

EXHIBIT

“A”

IN THE COURT OF COMMON PLEAS
OF MONROE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

Donald Marvin	:	
524 Independence Road	:	
East Stroudsburg, PA 18301,	:	
Vs.	:	
CACH, LLC	:	7761 CV 2011
4340 South Monaco Street	:	
2nd Floor	:	
Denver, CO 80237	:	
and	:	
Square Two Financial	:	
4340 S. Monaco, Second Floor	:	
Denver, CO 80237	:	
and	:	
John Does 1-10	:	Jury Trial Demanded
and	:	
XYZ Corporations,	:	
Defendant(s)	:	

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THE COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE DEFENDANT. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

North Penn Legal Services
10 North Tenth Street - Stroudsburg, PA 18360
(570)424-5338 or toll-free (800)532-8282

IN THE COURT OF COMMON PLEAS
OF MONROE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

Donald Marvin
524 Independence Road
East Stroudsburg, PA 18301,

Plaintiff

Vs.

CACH, LLC
4340 South Monaco Street
2nd Floor
Denver, CO 80237

and

Square Two Financial
4340 S. Monaco, Second Floor
Denver, CO 80237

and

John Does 1-10

and

XYZ Corporations,

Defendant(s)

7761 CV 2011

Jury Trial Demanded

FILED
2012 APR 24 PM 10 40
CLERK OF COURT

COMPLAINT

INTRODUCTION

1. This is a lawsuit for damages brought by an individual consumer for Defendant(s)' alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq. (hereinafter "FDCPA").

JURISDICTION AND VENUE

2. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint
3. Defendant(s) regularly transact(s) business throughout the Commonwealth of Pennsylvania, and in this jurisdiction.
4. Defendant obtains the benefit(s) of regularly transacting business in this jurisdiction.
5. A substantial portion of the conduct complained of occurred in this jurisdiction.
6. Plaintiff resides in this jurisdiction

PARTIES

7. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
8. Plaintiff is Donald Marvin, an adult individual with a current address of 524 Independence Road, East Stroudsburg, PA 18301.
9. Defendants are the following individuals and business entities.
 - a. CACH, LLC, a business entity with a principal place of business located at 4340 Monaco Street, 2nd floor, Denver, CO 80237.
 - b. Square Two Financial, a business entity with a principal place of business located at 4340 Monaco, Second Floor, Denver, CO 80237.
 - c. John Does 1-10, individuals or business entities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such Does played a substantial role in the commission of the acts described in this complaint.
 - d. X,Y,Z Corporations, business entities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such entities played a substantial role in the commission of the acts described in this complaint.

COUNT ONE: Violation of Fair Debt Collection Practices Act
15 USC 1692 et. seq.
“Overshadowing”

10. All previous paragraphs of this complaint are incorporated by reference and made a part of this portion of the complaint.
11. Plaintiff is a consumer debtor as defined by the Fair Debt Collections Practices Act (FDCPA), 15 USC 1692 et. Seq.
12. Defendant is a debt collector as defined by the FDCPA, 15 USC 1692 et. seq.
13. At all times mentioned herein, Defendant was attempting to collect on an alleged consumer debt against Plaintiff.
14. Within the applicable statute of limitations, in the Year of our Lord, 2011, Defendant sent Plaintiff a collection letter for an alleged consumer debt. See Exhibits, letter from Defendant to Plaintiff.
15. Said collection letter was the first communication as defined by 15 USC 1692 g.
16. Said collection letter did not contain the proper verbiage required by 15 USC 1692 g et. seq.

17. Within 5 days of the date that the attaché Exhibit A was mailed to Plaintiff by Defendant, Defendant never followed up with the written communication required under 15 USC 1692 g et. seq.
18. By engaging in the above described conduct, Defendant neglected its obligations under 15 USC 1692g.
19. By engaging in the above described conduct, Defendant violated 15 USC 1692g.
20. By engaging in the above described conduct, Defendant violated 15 USC 1692g by “overshadowing” its obligations under 15 USC 1692g et. seq.
21. Defendant(s) above described conduct had the effect of confusing misleading and intimidating the Plaintiff.

LIABILITY

22. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
23. Defendant(s) is liable for the acts committed by its agents under the doctrine of respondeat superior because Defendant's agents were acting within the scope of their employment with Defendant.
24. In the alternative, Defendant(s) is liable for the conduct of its agents / employees under the theory of joint and several liability because Defendant and its agents / employees were engaged in a joint venture and were acting jointly and in concert.
25. Any mistake made by Defendant would have included a mistake of law.
26. Any mistake made by Defendant would not have been a reasonable or bona fide mistake.

DAMAGES

27. All previous paragraphs of this complaint are incorporated by reference and made a part of this portion of the complaint.
28. At least \$1.00 actual damages for Plaintiff, including but not limited to phone, fax, stationary, postage, etc.
29. \$1,000.00 statutory damages Plaintiff pursuant to 15 USC 1692k.
30. Plaintiff suffered emotional distress, anger, frustration and confusion as a result of Defendant's illegal collection activity in an amount to be determined at trial.

ATTORNEY FEES

31. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.

32. Plaintiff is entitled to attorney fees pursuant to 15 USC 1692 k, in the amount of \$1,400.00 at a rate of \$350.00 per hour, enumerated below.

a. Consultation with client	1
b. Drafting, editing, review, filing and s service of of complaint and related documents	1
d. Follow up contact with Defense	2
<hr/>	
4 x \$350 = \$1,400.00	

33. Plaintiff's attorney fees continue to accrue as the case moves forward.

34. The above stated attorney fees are for prosecuting this matter and reasonable follow up.

OTHER RELIEF

35. All previous paragraphs of this complaint are incorporated by reference and made a part of this portion of the complaint.
36. Plaintiff seeks injunctive relief barring further unlawful collection activity.
37. Plaintiff seeks such other relief as this Honorable Court may deem just and proper.
38. Plaintiff requests trebles damages against Defendant because the acts committed by Defendant were willful, wanton, reckless and / or intentional.
39. Plaintiff requests a jury trial in this matter.
40. Plaintiff demands a jury trial in this matter.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of no less than \$2,400.00 as enumerated below.

\$1.00 more or less actual damages.

\$1,000.00 statutory damages pursuant to 15 USC 1692k et. seq.

\$1,400.00 attorney fees

\$2,401

Plaintiff seeks such additional relief as the Court deems just and proper.

Vicki Piontek
Vicki Piontek, Esquire
Supreme Court ID Number 83559
Attorney for Plaintiff
951 Allentown Road
Lansdale, PA 19446
717-533-7472
Fax: 866-408-6735
palaw@justice.com

1-16-2012
Date

IN THE COURT OF COMMON PLEAS
OF MONROE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

Donald Marvin
524 Independence Road
East Stroudsburg, PA 18301,
Plaintiff

Vs.
CACH, LLC
4340 South Monaco Street
2nd Floor
Denver, CO 80237
and
Square Two Financial
4340 S. Monaco, Second Floor
Denver, CO 80237
and
John Does 1-10
and
XYZ Corporations,
Defendant(s)

Jury Trial Demanded

VERIFICATION

I, Donald Marvin, affirm that the statements contained in the attached complaint are true and accurate to the best of my knowledge, understanding and belief.


Donald Marvin
Date 1/12/12

Donald Marvin
524 Independence Road
East Stroudsburg. PA 18301

CACH, LLC / COLLECT AMERICA
4340 South Monaco Street
2nd Floor
Denver, CO 80237

Square Two Financial
4340 S. Monaco, Second Floor
Denver, CO 80237

By Certified U.S. Mail

7010 1060 0001 7723 5095

Re: DISPUTE AND REQUEST FOR INVESTIGATION

Donald W. Marvin SSN: [REDACTED]

CACH, LLC

Account Number 12000550XXXX

Alleged High Balance \$11,180.00


To Whom it May Concern:

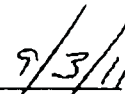
Your company has placed derogatory information on my credit report for the above referenced account. See excerpt from my credit report enclosed. The alleged high balance that your company claims against me is excessive and inflated. The alleged balance is comprised largely of interest, finance charges, penalties or other fees not justified by any existing contract.

I am requesting that you conduct an investigation about the excessive balance and the excessive charges such as interest and other fees. I am requesting that you investigate the contract, a charge history and a payment history which proves the alleged balance.

THIS IS A DISPUTED ACCOUNT. YOU MUST MARK THIS ACCOUNT AS DISPUTED ON MY CREDIT REPORT.

Sincerely,


Donald Marvin


Date

Donald Marvin
524 Independence Road
East Stroudsburg. PA 18301

CACH, LLC / COLLECT AMERICA
4340 South Monaco Street
2nd Floor
Denver, CO 80237

Square Two Financial
4340 S. Monaco, Second Floor
Denver, CO 80237

7011 0110 0001 5987 9404

By Certified U.S. Mail

Re: **DISPUTE AND REQUEST FOR INVESTIGATION**
Donald W. Marvin SSN: [REDACTED]
CACH, LLC
Account Number 12000550XXXX
Alleged High Balance \$11,180.00

To Whom it May Concern:

Your company has placed derogatory information on my credit report for the above referenced account. See excerpt from my credit report enclosed. The alleged high balance that your company claims against me is excessive and inflated. The alleged balance is comprised largely of interest, finance charges, penalties or other fees not justified by any existing contract.

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THIS IS A DISPUTED ACCOUNT. YOU MUST MARK THIS ACCOUNT AS DISPUTED ON MY CREDIT REPORT.

Sincerely,


Donald Marvin


Date

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cash, LLC / Collect America
 4340 S. Monaco St.
 2nd Fl.
 Denver, CO 80237

COMPLETE THIS SECTION ON DELIVERY

RECEIVED

- A. Signature ☒ Agent ☐ Addressee
- B. Received by SEP 20 2011 C. Date of Delivery
- D. Is delivery address different from delivery address below: ☐ Yes ☒ No

3. Service Type
- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

Article Number

(Transfer from service label) 7011 0110 0001 5987 9404

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

CACH, LLC

September 23, 2011

Donald Marvin
524 Independence Road
East Stroudsburg, PA 18301

Re: Written Dispute Letter Dated: September 3, 2011

Dear Donald Marvin,

We are in receipt of your written dispute referenced above. CACH, LLC is a purchaser of charged off receivables. CACH, LLC does not engage in any direct collection activity. Accounts are placed for collection with third party law firms and collection agencies. Our investigation into your dispute reveals the following information.

Debtor Name:	MARVIN, DONALD W
Address:	524 Independence Rd, E Stroudsburg, PA 18301
Debtor Date of Birth:	10/04/1973
Debtor SS#:	XXX-XX-XXXX
Original Creditor:	WELLS FARGO BANK, N.A.
Original Account Number:	4019769000000xxx
Current Account Number:	120005500077
Account Charge off Date:	11/30/2010
Date Placed on our System:	03/29/2011
Placement Balance:	11180.18
Current Balance:	11480.22
Account Status:	OPEN
Reporting Status:	COLLECTIONS: SERIOUSLY PAST DUE ACCOUNT
Reported Dispute Status:	DISPUTE
Other comment:	

Sincerely,

Customer Service

This letter is sent pursuant to the requirements of 16 C.F.R. 660.4(e)
This letter is not an attempt to collect a debt.

4340 S. Monaco St.
Second Floor
Denver, CO 80237

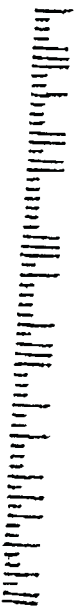
Phone (800) 478-5541
Fax (303) 713-2505



4340 S. MONACO, 2nd Floor
DENVER, Colorado 80237

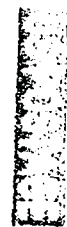
Donald Marvin
524 Independence Road
East Stroudsburg, PA 18301

18301\$9208 R011

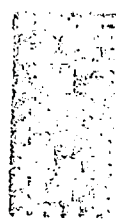


repost

00020001



\$00.44



ZIP 80237
04101414376

Piontek Law Office
951 Allentown Road
Lansdale, PA 19446



2011 0470 0001 4698 2758



1000



80237

U.S. POSTAGE
PAID
LANSDALE, PA
19446
JAN 25 '12
AMOUNT

\$7.42
00044181-11

FIRST CLASS
PARCEL

ACH, LLC
4340 S. Monaco
2nd Floor
Denver, CO 80237
RECEIVED
JAN 30 2012
Square Two Financial